

kept under pressure to maintain a liquid state at ambient temperatures.

(F) *Lubricating oil*—a refined petroleum distillate or specially treated petroleum residue used to lessen friction between surfaces.

(G) *Naphtha*—a refined petroleum distillate falling within a distillation range overlapping the higher gasoline and the lower kerosenes.

(H) *Natural gas products*—liquids (under atmospheric conditions), including natural gasoline, that—

(1) Are recovered by a process of absorption, adsorption, compression, refrigeration, cycling, or a combination of these processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir, and

(2) When recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in subdivision (B), (C), (D), and (G) above.

(I) *Residual fuel oil*—a topped crude oil or viscous residuum that, as obtained in refining or after blending with other fuel oil, meets or is the equivalent of Military Specification Mil-F-859 for Navy Special Fuel Oil and any more viscous fuel oil, such as No. 5 or Bunker C.

(iii) *Unfinished oils* means one or more of the petroleum oils listed in subdivision (ii) above, or a mixture or combination of these oils, that are to be further processed other than by blending by mechanical means.

[48 FR 42278, Sept. 19, 1983, as amended at 54 FR 48985, Nov. 28, 1989; 55 FR 25530, June 21, 1990; 55 FR 38517, Sept. 18, 1990; 56 FR 15151, Apr. 15, 1991; 56 FR 67133, Dec. 27, 1991; 57 FR 60583, Dec. 21, 1992; 59 FR 11377, Mar. 10, 1994]

#### **25.109 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert the provision at 52.225-1, Buy American Certificate, in solicitations where the clause at 52.225-3 is used.

(b) When quotations are obtained orally (see part 13), vendors shall be informed that only domestic end products, other than end products excepted on a blanket or individual basis (see 25.108 and subpart 25.4), shall be acceptable, unless the price for an offered domestic end product is unreasonable (see 25.105).

(c) The contracting officer shall insert the provision at 52.225-2, Waiver of Buy American Act for Civil Aircraft and Related Articles, in solicitations for the acquisition of civil aircraft and related articles.

(d) Except as provided in paragraph (e) of this section, the contracting officer shall insert the clause at 52.225-3, Buy American Act—Supplies, in solicitations and contracts for the acquisition of supplies, or for services involving the furnishing of supplies, for use within the United States.

(e) Do not use the clause prescribed in paragraph (d) of this section when—

(1) The solicitation is restricted to domestic end products under subpart 6.3;

(2) The acquisition is made under a trade agreement (see subpart 25.4); or

(3) Another exception to the Buy American Act applies (e.g., nonavailability or public interest).

[48 FR 42258, Sept. 19, 1983 as amended at 51 FR 2665, Jan. 17, 1986; 56 FR 55379, Oct. 25, 1991; 58 FR 31141, May 28, 1993; 59 FR 545, Jan. 5, 1994; 60 FR 67515, Dec. 29, 1995]

### **Subpart 25.2—Buy American Act—Construction Materials**

#### **25.200 Scope of subpart.**

This subpart implements the Buy American Act (41 U.S.C. 10) and Executive Order 10582, December 17, 1954 (as amended). It applies to contracts for the construction, alteration, or repair of any public building or public work in the United States.

#### **25.201 Definitions.**

*Components*, as used in this subpart, means those articles, materials, and supplies incorporated directly into construction materials.

*Construction*, as used in this subpart, means construction, alteration, or repair of any public building or public work in the United States.

*Construction material*, as used in this subpart, means an article, material, or supply brought to the construction site for incorporation into the building or work. Construction material also includes an item brought to the site pre-assembled from articles, materials, and